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Remarks

Reconsideration of remaining claims 1-6 is respectfully requested.

In the Office action dated May 5, 2005, the Examiner rejected the pending claims under 35 USC §§ 102(e) and 103(a). The Examiner's rejections will be discussed below in the order presented in the Office action.

35 USC § 102(e) Rejection - Claims 1, 6

The Examiner first rejected claims 1 and 6 under 35 USC 102(e) as anticipated by US Publication 2004/0042725 (Stepanov et al.). In this rejection, the Examiner made particular reference to the embodiments of FIGs. 7 and 12 of Stepanov et al. as illustrating temperature-compensated fixtures for optical gratings that utilize a single lever arm to provide compression/tension on the optical fiber grating as the temperature changes.

In response, applicant has amended independent claim 1 to more clearly describe the subject matter of the present invention as using a pivotable "lever arm" formed of a relatively high TEC material, and an "expansion element" formed of a relatively low TEC material, with the lever arm direct connected to a pivot point along the "base" of the frame, and the "expansion element" disposed between the lever arm and a stationary sidewall of the frame. In contrast, the arrangement in FIG. 7 of Stepanov et al. utilizes a high TEC beam 702 pivotally attached to the sidewall "plate" 704 of the fixture, with a second "pivot" formed by flexure 709 between beam 702 and lever arm 708. Clearly, this arrangement utilizes two separate pivot locations (706 and 709), with neither pivot point along the "base" of the fixture, as required by now-amended independent claim 1. Moreover, the "expansion element" of Stepanov et al. (beam 702) is not "fixed" to a sidewall of the frame, as defined by independent claim 1, but is pivotably attached to plate 704. The embodiment of FIG. 12 can also be distinguished from the teaching of the present invention in that the "expansion element" 906 of this embodiment comprises a

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“low” TEC material (presumably used as a “brace” to control the contraction of the frame) and the remaining components, including a levered sidewall 902 formed of a “high” TEC material. Applicant has amended claim 1 to clearly define the lever arm as being separate from any “sidewall” of the fixture, with “expansion element” of claim 1 comprising a “high” TEC material.

Based on these differences, applicant asserts that Stepanov et al. cannot be found to anticipate the subject matter of independent claim 1, or dependent claim 6, as required by 35 USC 102(e). Applicant thus respectfully requests the Examiner to reconsider this rejection and find claims 1 and 6 to be in condition for allowance.

35 USC § 103(a) Rejection - Claims 2-5, 7

Claims 2-5 and 7 were next rejected under 35 USC 103(a) as being unpatentable over Stepanov et al. In light of the amendments made to independent claim 1 (from which remaining claims 2-5 depend) as discussed above, applicant asserts that remaining dependent claims 2-5 are also patentable over the cited Stepanov et al. reference. Independent claim 7 has been cancelled from this application.

Applicant thus respectfully requests the Examiner to reconsider this rejection and find remaining claims 2-5 to be in condition for allowance.

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Formal Drawings

As requested by the Examiner, applicant is enclosing a set of Formal Drawings with this reply, the drawings now in compliance with the requirements of 37 CFR 1.121(d).

In light of the above, applicant believes that the case, in its present form, is now in condition for allowance and respectfully requests an early and favorable response from the Examiner in that regard. If for some reason or other the Examiner does not agree that the case is ready to issue, and that an interview or telephone conversation would further the prosecution, the Examiner is invited to contact applicant's attorney at the telephone number listed below.

Respectfully submitted,

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